

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Sompheth P.,

No. 24-cv-3849 (KMM/LIB)

Petitioner,

v.

ORDER

United States of America,

Respondent.

This matter comes before the Court on the Report and Recommendation (R&R) of United States Magistrate Judge Leo I. Brisbois, dated October 24, 2022. Judge Brisbois recommends that this matter be dismissed without prejudice because the Court lacks subject-matter jurisdiction over the claims raised in the habeas petition filed by the Petitioner. Petitioner has not objected to the R&R.

The Court reviews de novo any portion of the R&R to which specific objections are made. 28 U.S.C. § 636(b)(1); D. Minn. LR 72.2(b). In the absence of objections, the Court reviews the R&R for clear error. *Nur v. Olmsted County*, 563 F. Supp. 3d 946, 949 (D. Minn. 2021) (citing Fed. R. Civ. P. 72(b) and *Grinder v. Gammon*, 73 F.3d 793, 795 (8th Cir. 1996) (per curiam)). Based on a careful review of the R&R and the record in this case, the Court finds no error.

Accordingly, **IT IS HEREBY ORDERED THAT:**

1. The Report and Recommendation (Doc. 5) is **ACCEPTED**;
2. The petition for a writ of habeas corpus of petitioner Sompheth Phoummany (Doc. 1) is **DENIED without prejudice**; and

3. This case is **DISMISSED without prejudice**.

Let Judgment Be Entered Accordingly.

Date: **November 20, 2024**

s/ Katherine M. Menendez

Katherine M. Menendez
United States District Judge